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Death Penalty

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FRANCIS HERNANDEZ, } CASE NO. CV 90-4638 RSWL
Petitioner, } DEATH PENALTY CASE
v. } JUDGMENT
MICHAEL MARTEL,* }
Acting Warden, California State }
Prison at San Quentin, }
Respondent. }

IT IS HEREBY ORDERED that Petitioner Francis Gerard Hernandez's petition for writ of habeas corpus be CONDITIONALLY GRANTED and that the sentence of death in the matter of *People v. Francis Gerard Hernandez*, Case No. A-022813 in the California Superior Court for the County of Los Angeles, be VACATED.

IT IS FURTHER ORDERED that respondent shall, within 120 days of date from entry of this judgment, either grant petitioner a new penalty phase trial or vacate the death sentence and resentence petitioner in accordance with applicable California law and the United States Constitution.

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* Michael Martel is substituted for his predecessors as Acting Warden of the California State Prison at San Quentin, pursuant to Federal Rule of Civil Procedure 25(d).

IT IS FURTHER ORDERED that the Clerk of this Court shall immediately notify the Warden of San Quentin State Prison of this Court's judgment.

IT IS SO ORDERED.

Dated: August 16, 2011.

Ronald S. W. Lew
United States District Judge

NOTICE PARTY SERVICE LIST

Case No. _____ Case Title _____

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